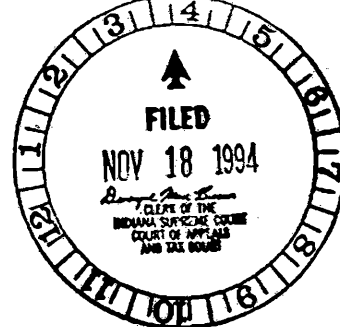


IN THE
SUPREME COURT OF INDIANA



IN THE MATTER OF COURT)
SECURITY GUIDELINES)

NO. 95500-9411-175-1103

ORDER
Adopting Court Security Guidelines

Comes now the Supreme Court Records Management Committee and submits its recommended Court Security Guidelines and Priorities for the State of Indiana. These recommendations are made pursuant to Ind. Administrative Rule 4(B), which requires the Committee conduct a continuous study of practices, procedures and systems for the maintenance, management and retention of court records. Such study may include implementation of courtroom security. Admin. R. 4(B).

These recommendations result from the extensive efforts of the Court Security Subcommittee consisting of Judge Paul D. Mathias, Allen Superior Court - Civil Division, Subcommittee Chairman; Judge Lorenzo Arredondo, Lake Circuit Court, and Kenneth Brooks, Clerk of the Jasper Circuit and Superior Courts. The Subcommittee was assisted by the efforts and expertise of the Indiana Sheriffs' Association, Inc., the Association of Indiana Counties, Inc., and the United States Marshals Service.

Being duly advised, the Court ACCEPTS and APPROVES the attached Court Security Guidelines and Priorities for the State of Indiana.

The Clerk's Office is directed to send copies of this order to John Newman,

Director of Information Management; to George Glass, Executive Director of the
Indiana Judicial Center; to all Judges of the Indiana Court of Appeals; and to the Clerks
of the U.S. Districts Courts in Indiana.

DONE IN INDIANAPOLIS, INDIANA this 18th day of November 1994.

Randall T. Shepard

RANDALL T. SHEPARD

CHIEF JUSTICE OF INDIANA

COURT SECURITY GUIDELINES AND PRIORITIES

FOR THE STATE OF INDIANA

INTRODUCTION

Just as there are 92 counties in Indiana, there are 92 different sets of facilities, needs and resources for which these guidelines must be relevant. A risk which may be a legitimate concern in a more heavily populated metropolitan county may not be as pressing in a less populated rural county, and vice versa. Similarly, risks in buildings which house many county offices along with courts are very different from those in buildings which house courts only. Some of Indiana's courthouses are historical treasures which do not easily lend themselves to security renovations. Some counties will plan courts-only facilities and will be able to design security into the structure and finish of such buildings. We have attempted to draft guidelines which will be of use in all of these situations.

Incidents of court-related violence have been reported throughout the state. Many counties assessed their own court-related facility security shortly after the widely reported bomb explosion in the Howard County Sheriff's office next door to the Howard Circuit Courtroom on April 14, 1987. In that incident, a criminal defendant on trial on drug charges brought a bomb into the courthouse during his trial. The resulting explosion killed the defendant and seriously injured several innocent nearby court and sheriff's personnel, as well as causing over \$1.5 million in damages to the courthouse facilities.

Unfortunately, for each such high profile incident, there are countless tragedies narrowly averted on almost a daily basis. Judges and court personnel are routinely required to be alert to weaponry hidden on the persons of the litigants before them. In 1993 alone, security posts outside three of Marion County's municipal courts detected and removed 6,578 knives, 191 guns and 1,379 canisters of MACE. For some perspective, these statistics amount to almost 1 gun, 27 knives and 6 MACE canisters discovered and confiscated each day in just three of Marion County's courts. Guns are not only a serious risk unique to metropolitan courts, however. In 1989, a man armed with a loaded rifle walked through the entire Noble County courthouse to reach the fourth floor prosecutor's office, where his mother was hiding from him because he had threatened to kill her. Fortunately, the man was subdued without injury.

It is abundantly clear that security in court-related public facilities is not just a "big city" concern. Guns and other weapons, when mixed with the high emotions of court proceedings, pose the same risk of deadly tragedy in whatever court-related facility they are found.

Article 1, Section 12 of the Constitution of Indiana establishes the basic framework for all security efforts in Indiana's courts when it provides that:

"[a]ll courts shall be open; and every person, for injury done to him in his person, property, or reputation, shall have remedy by due course of law. Justice shall be administered freely, and without purchase, completely, and without denial; speedily, and without delay."

However, no reasonable person can ignore the well-documented reports of court-related violence which are increasing both as to frequency and severity on a continual basis. The

American Bar Association Commission on Standards of Judicial Administration summed up this modern tension between the need for openness of, access to, and fairness in courts and the need for court-related security as follows:

"The business of courts should be conducted in a dignified and secure environment. A courthouse should be designed and operated to limit the opportunities and occasions for disruption, violence, theft and tampering, and to deal quickly and effectively with emergencies. Security programs, however, should not dominate the judicial process at the expense of such other important objectives as maintenance of courtroom dignity and respect for the rights of individuals." Standards Relating to Trial Courts, §2.46 (1976), ABA Commission on Standards of Judicial Administration.

Against this background, the following considerations apply:

- 1) Effective and responsible government requires consensus.
- 2) In 91 of Indiana's counties, county commissioners are responsible for the necessary maintenance, renovation and construction of facilities housing that county's courts. I.C. §36-2-2-24. In Marion County, the mayor and board of commissioners share these same responsibilities. I.C. §§36-3-3-9 and 10.
- 3) In 91 of Indiana's counties, county councils, as the fiscal bodies of their counties, are responsible for raising and expending necessary funds for the operation of all of county government, including the state courts located in that county. I.C. §36-2-3-7. In Marion County, the city-county council has these same responsibilities. I.C. §36-3-4-19.
- 4) Throughout Indiana, county sheriffs are charged with attending and preserving order in all courts in their counties. I.C. §36-2-13-5

- 5) Throughout Indiana, prosecuting attorneys are required to appear in all criminal cases in all courts of the counties of their respective jurisdictions. I.C. §33-14-7-20.
- 6) Throughout Indiana, clerks of circuit and superior courts are required to attend said courts and keep the official written and financial records of said courts. I.C. §33-17-1-1, et seq. and 33-17-2-1, et seq.
- 7) Throughout Indiana, many counties house county offices unrelated to the courts in courthouses or other court-related facilities.

It is first recommended that, as an initial step in each county, an informal court facility security committee should be formed which includes representatives of the county's commissioners (and mayor in Marion County), council (city-county council in Marion County), sheriff, prosecutor, clerk and judge(s), together with any other county office holders housed in the county's courthouse and/or court-related facilities. Such a committee will be best able to review its county's facilities and assess its county's security needs and available resources for the implementation of court-related facility security in that county. The following guidelines are recommended in order to:

- 1) provide the public and county officials, including commissioners, council members, sheriffs, prosecutors, clerks and judges with objective, basic information to aid in the evaluation of existing court security in their respective counties;
- 2) establish a reasoned prioritization that counties can refer to in

making decisions concerning the cost-efficient expenditure of funds for enhancement of court security;

- 3) provide a compilation of current basic sources for research and reference concerning court security issues; and
- 4) reaffirm that security is now and, in a free society must always remain, secondary and subservient to the purpose of the judicial branch or department of government: namely, service to the public through the dispensation of justice.

COURT FACILITY SECURITY PRIORITIES

IN BRIEF

The following priorities for implementation of court-related facility security are recommended, in order of decreasing importance:

- 1) **Eliminate weapons from court-related facilities.**
- 2) **Install duress alarms.**
- 3) **Install bullet-resistant barriers in high-risk areas.**
- 4) **Secure windows and doors that are easily accessible on the exterior of court facilities.**
- 5) **Improve parking security.**
- 6) **Control public access to private work areas.**
- 7) **Establish three separate pedestrian circulation systems in court facilities for the public, judicial staff and prisoners.**
- 8) **Secure sallyport areas for prisoner ingress and egress.**
- 9) **Provide secure holding cells for prisoners in close proximity to courtrooms.**
- 10) **Install appropriate vaults and safes.**
- 11) **Establish an information desk to assist jurors, litigants and the general public.**
- 12) **Install public address systems for emergency use.**

13) Install smoke, fire, and intrusion alarms and fire suppression systems.

14) Install emergency lighting and power.

Each of the foregoing priorities also requires both initial and continuing training of associated justice system personnel. Sheriff and court personnel should be obligated to be knowledgeable concerning security policies and procedures in both routine and emergency situations. Such knowledge requires regular training for sheriff, court, prosecutor, public defender and clerk personnel. Training programs should cover such issues as court procedures, incident report procedures, inter-personal relations, crowd control and first aid, including CPR. Periodic testing and drills should be used to maintain readiness.

COURT FACILITY SECURITY PRIORITIES EXPLAINED

1) Eliminate weapons from court-related facilities. Elimination of weapons from court-related facilities is quite simply the most effective single step toward obtaining a truly safe environment for both the general public and public employees. Effective weapons elimination requires the following:

- a) **Reduction of the number of public entrances to court-related facilities.** While Indiana is blessed with many beautiful court structures, most of these facilities were built in an era which was unfamiliar with, and therefore unconcerned by, the risk of violence by and between litigants and directed toward court personnel and other public officials. Because of their beauty, these structures were designed with many entrances so that the public could enter freely, often to perhaps all of the offices of county government which were, and in some counties still are, situated together with the courts in the same structure. We must regrettably acknowledge however that multiple entrances and exits in court-related facilities allow weaponry to be brought onto the premises with relative ease. Multiple points of ingress and egress in court-related facilities can be maintained only when a county is willing and able to adequately secure each point of ingress and egress with screening personnel and technology. Unfortunately, screening multiple points of ingress and egress will be

fiscally impossible for most if not all counties. Therefore, the Court recommends that at least the points of ingress and egress to the court portion of court-related facilities be reduced to one for the general public and one for employees working in these facilities.

b) **Use of screening personnel and technology.** Reduction of the number of points of public ingress and egress does little good if those that remain are not secured by use of screening personnel and technology. The personnel component can be as simple as an adequate number of sheriff's deputies reassigned for such duty with hand-held metal detectors available for their use, or as complex as a specialized security detail specially trained in the unique needs and demands of court facility security. Whatever personnel are used for the task, that personnel should be under the supervision of the sheriff, rather than the court, and should include both males and females because of the recurring need for gender specific searches for weapons. As indicated earlier, hand-held metal detectors are perhaps the most cost efficient technology currently available for use by security personnel. However, walk-through magnetometers, x-ray scanners and other, more sophisticated technology should also be considered.

c) **Development of a law enforcement weapons policy.** As the sheriff's office in each county is responsible for attending and

protecting the courts in that county, only sheriff's personnel assigned and on duty as security personnel should be allowed to carry weapons in a court-related facility. Exceptions to this rule for any reason invite tragedy. Weapons lockers should be readily available at the security checkpoint(s) so that law enforcement personnel coming to court for either official or personal matters can check their weapons into these lockers. Members of the general public, including those with weapons permits, should be advised to leave their weapons at home or in their motor vehicles. While such a rigid weapons policy may cause initial consternation among law enforcement agencies other than the county sheriff, once the policy is uniformly enforced, the policy will be accepted. One need look no further than to the federal courts for a similar policy and experience.

- d) **Statutory ban against weapons in court-related facilities.** While it is helpful for courts by their own orders, and for local communities by ordinance, to ban weapons from court-related facilities and to notify the public through appropriate signage, the Court believes that the public using Indiana state courts are entitled to no less statutory protection than the public using federal courts located in Indiana. 18 U.S.C. §§930 and 3559 make possession of a weapon with intent to use the weapon in the commission of a crime in any federal facility a class D felony, punishable by fine and up to 5 years' imprisonment

and the mere possession of a weapon in a federal court facility a Class E felony punishable by fine and up to 2 years' imprisonment.

No legitimate purpose is imaginable for anyone other than the sheriff's assigned and on duty security personnel to possess a

weapon in a court-related facility in Indiana. The Court therefore

recommends legislation on a state-wide basis to ban weapons from

court-related facilities in Indiana.

2) Install duress alarms. Hidden, silent duress alarms installed in inappropriate locations can mean the difference between life and death. Such alarms, installed in courtroom benches, judges' chambers, prosecutors' offices, public defenders' offices and court clerks' offices can silently alert the sheriff to respond to a developing or actual emergency. If properly placed, such alarms will not be triggered accidentally and the person causing the emergency will not be aware of the alarm. Such duress alarms should have locating capabilities connected to a central panel located in a sheriff's office and should include connection to lighting which flashes outside the room where the alarm has been activated.

3) Install bullet resistant barriers in high-risk areas. Despite all reasonable efforts to keep court-related facilities weapons-free, precaution should still be taken to secure high-risk areas in those facilities from penetration by bullets. Bullet-resistant linings to judges' benches in courtrooms and doors and desks in judges' chambers and prosecutors', public defenders' and clerks' offices give sheriff's personnel more time to respond before a tragedy occurs. Just as importantly, bullet-

resistant linings and transparent partitions are important in the clerks' areas where child support and court costs monies are handled. In some instances, such linings and transparent partitions should also be considered for placement between the public galleries and attorney/litigant/jury areas of the courtroom.

4) Secure windows and doors that are easily accessible on the exterior of court facilities. Although intrusion alarms will often allow apprehension of an intruder after access has been gained to the facility, additional, cost-efficient steps can be taken to make such intrusion very difficult. Bars can be used on street level windows. Street level doors, whether locked or used as a point of ingress and egress can be replaced by steel constructed doors with heavy gauge locks and hardware, nonremovable pins and inaccessible hinges.

5) Improve parking security. Parking security is extremely important to all court-related facilities. Parking lots should be well-lit, enclosed by security fencing and monitored at all times. Such monitoring can be as simple as an organized, cooperative effort of local law enforcement agencies. Whenever possible, on-site parking is preferable to off-site parking. Special parking areas should be considered for prosecutors, public defenders, law enforcement officials, judges and jurors. While juror and law enforcement official parking could be designated and marked as such, spaces for prosecutors, public defenders and judges should be unlabeled, assigned randomly and changed periodically. Access to these parking areas should be monitored at all times by security personnel having a duress alarm.

6) Control public access to private work areas. While courtrooms themselves are

often relatively secure, private offices and work areas in most court-related facilities are easily accessible by the general public. It is preferable that all visitors entering these private offices and work areas should have their access restricted by employees who have direct control over whether such visitors are allowed into their office and work area. For example, such access can be controlled by use of an announcing system and an electric lock strike. Use of a log book and prominently displayed visitors badges should also be considered. Employees with continual access to these private offices and work areas would receive electronic cards or keys to enter without having to use the announcement system.

7) Establish three separate pedestrian circulation systems in court facilities for the public, judicial staff and prisoners. The establishment of three separate pedestrian circulation systems in court-related facilities for the public, judicial staff and prisoners is, like elimination of weapons from those facilities, one of the most effective steps that can be taken for the overall security of a facility. The general public should enter and exit through a single point and should have limited access only into their own circulation system within the facility. Employees, court personnel and public officials should be able to enter into a separate pedestrian circulation system through a single guarded entrance, separate and away from the general public entrance. Prisoners should have a third circulation system completely removed from that used by the general public or court-related personnel. Access between the circulation systems should be controlled through checkpoints, which can be as simple as locked doors or as complex as electronically controlled passages.

Money should be transported through the court-related personnel circulation system with additional security in some form. While this is a very effective step toward overall security of court-related facilities, the Court recognizes the great expense involved in the establishment of such independent circulation systems. Architectural constraints prevent establishment of such systems in many existing courthouses; but such systems can be designed into new structures. Of course the highest priority in this regard is the prevention of prisoner contact with anyone other than security personnel involved in transport.

8) **Secure sallyport areas for prisoner ingress and egress.** Prisoners being transported to and from courtrooms for proceedings must (a) circulate away from public contact and (b) circulate in a manner which minimizes the risk of escape during transport. An entirely separate circulation system for such prisoners is highly advised if fiscally possible. An alternative to transport with its attendant high cost is the use of closed circuit television (CCTV) systems for prisoner participation in court proceedings. Until a prisoner's actual trial, it is consistent with all of the federal and state constitutional rights afforded to prisoners to use CCTV rather than to require their physical presence in court proceedings. Arraignment and initial hearings are examples of highly emotional and volatile situations which can be defused by use of CCTV.

9) **Provide secure holding cells for prisoners in close proximity to courtrooms.** Temporary holding cells, while necessary to secure prisoners, cannot be so restrictive as to violate their constitutional rights. Males, females and juvenile

prisoners must therefore either be held in separate facilities or at different times in the same facilities. If architecturally possible, such a holding cell should open directly into the criminal courtroom. The entrance must also be well enough removed from the general public and spectators in the courtroom so that no weapon or other contraband can be passed to a prisoner exiting or entering the holding cell. Such holding cells should be monitored continuously.

10) Install appropriate vaults and safes. Money, documents and important evidence require their own security systems. Installation of fire and burglar-resistant vaults and safes in appropriate areas is the easiest way to satisfy this need. Clerks' offices have the greatest continuous need for such vaults and safes, as these offices process large amounts of child support and court cost payments, as well as other payments ordered by courts. Security personnel should be assigned on a routine basis to provide security for clerks' deposits to banking institutions; and additional private armored services should be considered if warranted. Courts should consider installation of adequate vaults and safes to hold sensitive or contraband evidence.

11) Establish an information desk to assist jurors, litigants and the general public. Efficient use of court-related facilities, and avoidance of inadvertent breaches of security by the general public can be greatly enhanced by establishment of an information desk located immediately after the security screening area at the point of general public ingress and egress. While such a desk need not to be staffed by sheriff personnel, any employee assigned to the information desk should be not only knowledgeable about the exact location of the various offices in the court-

related facility, but also trained along with all other personnel regarding security.

12) Install public address systems for emergency use. In the event of an emergency, a public address system is invaluable for use in announcing the need for facility evacuation or to provide other emergency information. Such a system should be accessible for announcement use only through the sheriff's office.

13) Install smoke, fire and intrusion alarms and fire suppression systems. Fire, smoke and intrusion alarms are vital to court-related facilities. Not only do such systems protect the public using the facilities and the employees working in the facilities; but such systems also protect important documents and evidence from destruction and theft. Automatic smoke and fire sensing alarm systems with locating capabilities are advisable and should be connected directly with local fire departments. Two-stage manual alarms should be readily available for use by the general public and personnel working in the facility. When a two-stage alarm is pulled, the alarm can be confirmed by sheriff personnel who then notify the fire department. For those times when the facility is closed, a fire suppression system, in addition to fire and smoke sensing alarms, is essential. Any intrusion alarm system should be able to track the movement of an intruder throughout the facility and silently alarm law enforcement officials for apprehension of the intruder.

14) Install emergency lighting and power. Since most court security technology is dependent upon electrically controlled devices, it is important to consider installation of an emergency power generator that will automatically take over electric distribution in the case of disruption. Of special importance are lights, all alarm

systems and the public address system. In addition, emergency heating, air conditioning and ventilation in holding cells is critical. Without such provisions, prisoners would have to be immediately removed from these areas in case of an emergency, adding extremely high risk to an already dangerous situation.

FURTHER REFERENCE

SOURCES

The following are sources which have been useful in the drafting of these guidelines, and which are recommended references when considering court-related facility security issues:

- 1) National Center for State Courts
Institute for Court Management
300 Newport Avenue
Williamsburg, Virginia 23187-8798
(804)253-2000 / Telefax: (804)220-0449

The National Center for State Courts' library has a substantial collection of both general sources concerning court security and the guidelines or recommendations for court security promulgated by individual states.

- 2) United States Marshals Service:

The United States Marshals Service is to federal courts what county sheriffs are to Indiana's trial courts. The following statement has been provided by that service for inclusion in these guidelines:

"The United States Marshals Service will assist counties by conducting Court Security Surveys. The current policy allows for Court Security Inspectors to conduct surveys for counties while on other federal business in the area. A county which desires a survey should forward a letter to the U.S. Marshal for Northern or Southern Indiana. The following data is furnished to the counties for survey requests."

U.S. Marshal, Northern District of Indiana
P.O. Box 477
South Bend, Indiana 46624-0477
Phone: (219)236-8291

U.S. Marshal, Southern District of Indiana
226 U.S. Courthouse
46 East Ohio St.
Indianapolis, Indiana 46204
Phone: (317)226-6571"

- 3) United States Marshals Service Training Academy
Federal Law Enforcement Training Center
Glynco, Georgia
(912)267-2345

The Court Security Seminar produced and taught by the United States Marshals Service at this academy is a highly recommended comprehensive program for non-federal law enforcement officials. The program is five days in length, which includes approximately forty hours of academic instruction and demonstrations. The purpose of this seminar is to provide a comprehensive and complete court security program which can be used as a guideline for implementation by the participants so that the integrity of all court systems may be better preserved. The cost of this program at the time of printing was \$176.00 per person, room, board and materials included.

- 4) Indiana Sheriffs' Association, Inc.
P.O. Box 19127
Indianapolis, Indiana 46219
1(800)662-4779 or (317)356-3633

Court security training is presently available through training programs provided by the National Sheriffs' Association in cooperation with the Indiana

Sheriffs' Association. In addition, the Indiana Law Enforcement Academy, in cooperation with the Indiana Sheriffs' Association, is currently in the process of adopting a curriculum for a court security training program for Indiana's law enforcement officers. This training will be available commencing in 1994.